

SCHOOL TRANSPORT – GENERAL POLICY FOR ASSESSING AN AVAILABLE ROUTE

1. In deciding the way it should provide free transport to enable pupils/students to attend school, the County Council has to determine the distance to school by the nearest available route.
2. There are two stages.
3. The first stage is to decide what is an available route.
4. In *Rogers v Essex County Council* (1986) the House of Lords held that for a route to be available it must be a route which:-
 - 4.1 it is reasonably practicable for a pupil/student to walk along; and
 - 4.2 a pupil/student, accompanied as necessary, can walk along with reasonable safety.

This involves taking any dangers or hazards into account: the County Council has to make a judgement. However, the presence of public transport cannot be considered at this stage.
5. The second stage is to measure the nearest available route from home to school.
6. If the nearest available route is below two or three miles, as appropriate, there is no absolute obligation to provide free transport but the County Council has to consider whether or not there is a duty to provide free transport having regard to its policy.
7. If the nearest available route is more than two or three miles, as appropriate, the County Council has a duty to provide free transport.
8. The Director of Environmental Services will decide whether a route is available under the terms of paragraph 4. above. In cases of dispute he may refer the matter to the relevant Committee.
9. The Director of Environmental Services, in deciding whether a route is available, will refer to guidelines in the County Council's Policy on Education Transport.
10. Where the Council decides a route is available under the terms of paragraph 4 which is less than two or three miles and a parent requests free transport on grounds that it is dangerous for an unaccompanied pupil/student, but it is not practicable for the parent to accompany the pupil/student to school, the County Council may point to the existence of a public bus service so the pupil/student can travel to and from school safely alone.